

**CONFIDENTIAL**

*This document contains personal information and pursuant to  
Civil Code 1798.21 it shall be kept confidential in order to  
protect against unauthorized disclosure.*

\_\_\_\_\_  
Dist Co Rte KP (P.M.) Exp Auth A.R. #

\_\_\_\_\_  
Parcel No. Owner Approved/Revised  
**TO: RIGHT OF WAY AND ASSET MANAGEMENT PROGRAM**  
**Sacramento, CA 95814**

Date \_\_\_\_\_

**ATTN : Acquisition Branch**

**FROM :Department of Transportation**  
**District \_\_\_\_**

**SUBJECT : RESOLUTION OF NECESSITY REQUEST NUMBER \_\_\_\_\_**

1. ☐ The District requests a Resolution of Necessity be presented to the Transportation Commission at its \_\_\_\_\_, 19\_\_ meeting.  
☐ District requests a Resolution of Necessity amending Resolution C-\_\_\_\_\_ be submitted to the Transportation Commission at its \_\_\_\_\_, 19\_\_ meeting.

**2. INCLUDED ARE THE FOLLOWING:**

- ☒ Condemnation Description (original and 5 copies on 8½ x 11 paper with numbered lines).  
☒ Two sets of reduced size index and detail maps (8½ x 11).  
☒ Copy of each Notice of Intent with letter of transmittal and legal description mailed on this ownership.  
☒ Original Declaration of Mailing (Form RW 9-15) for each Notice of Intent mailed.  
☒ Confirmation of Market Value.

**3. CONDEMNATION REQUIRING ADDITIONAL SPECIFIC STATUTORY AUTHORITY:**

- ☐ None applicable.  
☐ Acquisition of property to be used as a replacement of a public facility where **they** do the relocation (Section 1240.320 of C.C.P.).  
☐ Acquisition of property to be used as a replacement of a public facility where **we** do the relocation (Section 1240.330 of C.C.P.).  
☐ Acquisition of property to be used as road or utility access for a property not being acquired (Section 1240.350 of C.C.P.).  
☐ Condemnation of property currently dedicated for public use which will be compatible with our use we will share use of area with other public use (Section 1240.510 of C.C.P.).  
☐ Condemnation of property currently dedicated for public use which will **not** be compatible with our use current other public use will be displaced (Section 1240.610 of C.C.P.).  
☐ Condemnation for future use, more than 7 years out? (C.C.P. 1240.220). Date of use \_\_\_\_\_  
☐ Condemnation of an easement to remove improvements straddling the right of way line (Section 1263.270 of C.C.P.)  
☐ Condemnation for performance of work to reduce compensation (severing improvements straddling the right of way line) (Section 1263.610 of C.C.P.).

If consent to condemnation of any category in Item 3 has not been secured, indicate on page 3, Item 10, authority or rationale in support of condemnation.

**4. EXCESS CONDEMNATION**

- ☐ Condemnation of property excess to State's needs is not included in this request.  
☐ Remainder is a remnant, or portion thereof, that will be left in such size, shape or condition as to be of little market value and owner has refused to consent to condemnation of excess (Section 1240.410 of C.C.P.).  
☐ Acquisition of all or portion of remainder with owner's consent, copy attached. (Section 1240.150 of C.C.P.)

# RESOLUTION OF NECESSITY REQUEST

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Parcel No. \_\_\_\_\_

## 5. PUBLIC UTILITY OR PUBLIC USE PROPERTY AND SUBSTITUTE PROPERTIES:

- ☐ Not applicable.  
☐ Relocation of facility not required.  
☐ Substitute property to be conveyed to \_\_\_\_\_.  
☐ Relocation of facilities by:  
    ☐ Utility Owner  
    ☐ State Contractor

## 6. APPRAISAL AND ACQUISITION DATA

- ☐ Full acquisition  
☐ Partial acquisition

Appraisal Parcel Number	Condemnation Parcel Number	Excess	Fee	Easement Type If TCE, expiration date	Imps Straddle R/W Line	Sever or Acquire & Remove Imps
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	

Owners (List all in each category)	Fee	Leasehold	
Date of Parcel Assignment			
Approved Appraisal Amount			
Date of Last Offer			
Amount of Last Offer			
Counteroffer			
Total Personal Calls			
Total Telephone Calls			
Date of First Personal Call			
Date of Last Personal Call			

☐ See explanation(s) on page \_\_\_\_.

## 7. OWNERSHIP LOCATION

Property is located at \_\_\_\_\_  
(Address, nearest geographic feature or cross street.)

in/near \_\_\_\_\_ ☐ Within unincorporated area.  
(City or town)

## 8. PROJECT: CONSTRUCTION STATUS AND TYPE OF FACILITY

Certification Date \_\_\_\_ (month/year); ☐ Under Construction; ☐ Construction Completed;

Proposed to be advertised on \_\_\_\_\_

Freeway; ☐ Conventional highway; ☐ Expressway; ☐ Other \_\_\_\_\_

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## 9. ACQUISITION HISTORY

Phone Number

Owner's Attorney

	Yes	No	See pg. #
Have there been any complaints or inquiries to Transportation Commission, governor, legislature, headquarters, etc.?	* <input type="checkbox"/>	<input type="checkbox"/>	
Is any person having an interest in the property a friend, relative, or business partner/acquaintance of any Commission member(s)?	* <input type="checkbox"/>	<input type="checkbox"/>	
Was it necessary to provide unsegregated statements of value?	* <input type="checkbox"/>	<input type="checkbox"/>	
Have all parties having a compensable interest received an Appraisal Summary Statement?	<input type="checkbox"/>	*	
Have all owners been offered the full amount of the approved or authorized appraisal?	<input type="checkbox"/>	*	
Have all owners been advised of any relocation assistance benefits to which each may be entitled?	<input type="checkbox"/>	*	
Have Right of Way Contracts been delivered to all interests?	<input type="checkbox"/>	*	
Is the last offer the same as current approved appraisal?	<input type="checkbox"/>	*	
If No, new amount is \$ _____ based on _____.		<input type="checkbox"/>	
Has a loss of goodwill valuation been completed?	<input type="checkbox"/>	*	
Has the loss of goodwill valuation been offered?	<input type="checkbox"/>	*	
Have all interests received a Notice of Intent?	<input type="checkbox"/>	*	
Were all parties advised by a personal call regarding the Notice of Intent and it's implications?	<input type="checkbox"/>	*	

\* Indicate page number of explanations for these items, if checked.

Names of parties receiving Notices of Intent	Date NOI mailed

10. SPECIAL CONDITIONS ☐ See also attached page \_\_\_\_.

Efforts to secure an equitable settlement with each owner will continue.

APPROVAL RECOMMENDED:

APPROVED BY:

Acquisition Agent

District Division Chief, Right of Way

# INSTRUCTIONS FOR RESOLUTION OF NECESSITY REQUEST

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Most portions of the form are self-explanatory. Comments or explanations are included only where necessary. Numbers refer to sections on the form.

2. Six copies are necessary if the parcel lies in two counties or if the request is to be a joint condemnation with another State agency. Attachments are grouped as follows:
  - a. Original Resolution Request, original description(s), description of mailing, Notice(s) of Intent, 1 set of index and detail maps, original consent letter and Confirmation of Market Value.
  - b. Copy of Resolution Request letter and 5 copies of the legal description(s).
  - c. Copy of Resolution Request letter and 1 set of maps.
3. At least one box must be checked in this section. The various CCP sections should be reviewed to assure full compliance. Discuss the needs with the Regional Legal Office. If property is being condemned to provide utility service to, or access to a public road from, a property not acquired for public use but which is cut off from service or access as a result of State acquisition, the owners consent is desirable but not necessary.
4. Whenever the condemnation of excess property is involved, the facts qualifying the excess acquisition must be described in the request. The appropriate CCP sections must also be cited. Any excess condemnation request must contain data on the following items with the concurrence of the Regional Legal Office that condemnation is supportable:
  - (a) The area and value of the right of way, including improvements.
  - (b) The area and value of the excess or remnant before and after.
  - (c) The amount of damages in excess of benefits, if not acquired.
  - (d) Any new easements which may encumber the excess in the "after" condition.
  - (e) If a remnant, discuss why there is not reasonable, practicable and economically feasible means to prevent the property from becoming a remnant.
  - (f) The owners opinions or reasons for refusing consent to its acquisition.
5. Check appropriate boxes in this section when the property being condemned is currently being used for a public or public utility use or is a substitute property for such uses.

## GOODWILL

On ownerships in which a business is affected by the State's proposed acquisition, the Resolution of Necessity request submitted to the Right of Way and Asset Management Program for Transportation Commission action, shall include a reference to any offer for the loss of goodwill. This information is to be included under item 6, page 2.

In the event no loss of goodwill offer has been made or the services of an independent are being secured to provide an evaluation of this item of compensation, then this, as well as all other pertinent information on this subject, shall be included under item 19 on page 3.

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